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2  
3 BILL NO. <sup>5 17</sup> ~~A-74~~-02-15

<sup>Special</sup>  
~~APPROPRIATION~~ ORDINANCE NO. <sup>5</sup> ~~A-54~~-77

4  
5 AN ORDINANCE merging Fund #29,  
6 Dept. #890, Parking Meters &  
7 Lots and Fund #32, Dept. #891,  
8 Parking Garage into one single  
9 fund entitled Fund #32 - PARKING  
10 ADMINISTRATION.

11  
12 WHEREAS, it is desirous for account purposes to merge  
13 Fund #29, Dept. #890, Parking Meters & Lots and Fund #32,  
14 Dept. #891, Parking Garage into one single fund entitled  
15 Fund #32 - PARKING ADMINISTRATION, thus eliminating Fund #29.

16  
17 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL  
18 OF THE CITY OF FORT WAYNE, INDIANA:

19  
20 SECTION 1. That Fund #29, Dept. #890, Parking  
21 Meters & Lots is hereby eliminated.

22  
23 SECTION 2. That the unappropriated and unobligated  
24 balance of Fund #29 shall be transferred to Fund #32.

25  
26 SECTION 3. That Fund #32 shall be entitled "Fund #32-  
27 PARKING ADMINISTRATION".

28  
29 SECTION 4. This Ordinance shall be in full force  
30 and effect from and after its passage and approval by the Mayor.

31  
32 William T. Hinga  
33 COUNCILMAN

34  
35 APPROVED AS TO FORM  
AND LEGALITY.  
[Signature]  
CITY ATTORNEY

Read the first time in full and on motion by Serga, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the day of \_\_\_\_\_, 1976, at \_\_\_\_\_ o'clock P.M., E.S.T.

DATE: 2-27-77

Charles W. Westerman  
CITY CLERK

Read the third time in full and on motion by Stier, seconded by Hunter, and duly adopted, placed on its passage.

PASSED ( ~~LOST~~ ) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>6</u>			<u>3</u>	
BURNS	<u>✓</u>				
HINGA	<u>A</u>				
HUNTER	<u>✓</u>				
MOSES	<u>X</u>				
NUCKOLS	<u>✓</u>				
SCHMIDT, D.	<u>✓</u>				
SCHMIDT, V.	<u>A</u>				
STIER	<u>✓</u>				
TALARICO	<u>✓</u>				

DATE: 3-8-77

Charles W. Westerman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION)

ORDINANCE (RESOLUTION) No. 8-5477 on the 8th day of March, 1976?

ATTEST: (SEAL)

Charles W. Westerman  
CITY CLERK

John Nuckols  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of March, 1976, at the hour of 2:00 o'clock P. M., E.S.T.

Charles W. Westerman  
CITY CLERK

Approved and signed by me this 9th day of March, 1976, at the hour of 4:00 o'clock P. M., E.S.T.

Robert Lamchong  
MAYOR

Bill No. S-77-02-15

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance  
merging Fund #29, Dept. #890, Parking Meters & Lots and Fund #32, Dept. #891  
Parking Garage into one single fund entitled Fund #32 - PARKING ADMINISTRATION

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance Do PASS.

WILLIAM T. HINGA - CHAIRMAN

JAMES S. STIER - VICE CHAIRMAN

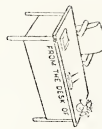
VIVIAN G. SCHMIDT

PAUL M. BURNS

FREDRICK HUNTER

James L. Hunter  
Charles W. Westerman  
Frederick R. Hunter

DATE 3-8-77 CONCURRED IN  
CHARLES W. WESTERMAN, CITY CLERK



TOM HAMILTON

unless expenses are diverted to parking meters.  
Parking Garage Fund will keep separate in Black

the two funds will remain separate from remaining fund to the black and white account separate for accounting

# Memorandum

To William N. Salin

Date July 23, 1976

From Carolyn Spengler

Subject Request from Controller's Office Re: EMS & Parking Account.

COPIES TO:

## I. EMS Fund

ORDINANCE  
REQUESTED.

The statute creating EMS [IC 16-1-39-1 et seq.] does not specify that a special fund must be set up for the EMS operation. The local ordinance establishing the EMS program in Fort Wayne (G-08-73) makes no mention of funding arrangements and gives exclusive control of the operation to the Board of Commissioners of Public Safety. Therefore, it would seem appropriate that any change in the account be submitted to them. It would appear unnecessary to seek an ordinance to make the change. I could find no indication of why the fund was set up separately to begin with.

## II. Parking Garage Fund and Parking Meter Fund.

\*All metered parking facilities, whether on - or off - street, are governed by IC 18-6-13-1 et seq. IC 18-6-13-3 provides that a special fund be set up for the deposit of funds collected from the meters. Disbursements are to be made from this fund for no other purposes than those listed in IC 18-6-13-3 and any money remaining at the end of the year stays in the special account. [IC 18-6-13-5].

\*For non-metered off-street parking facilities, the statutes only call for a special fund when revenue bonds are involved. Therefore, the only statutory requirement would be the general one under the duties of the controller [IC 18-1-6-11] that a separate account be kept for each appropriation.

Given the necessity of keeping the parking meter funds separately, it would appear to create unnecessary administrative headaches to put the parking garage funds into the same account since a different and more lenient set of rules applies to the latter. If the city were making a profit on the parking facilities, it would be even more unwieldy to have them together, because excess on the garage funds could revert to the general fund whereas the parking meter funds must remain separate.

\* To a certain degree, we already combine metered and non-metered revenue into one fund: on and off street metered revenue is receipted into the Parking Meter Fund; also receipted into this fund is the monthly lease revenue from non-metered City Parking Lots.

ADDITIONAL  
DISCUSSION WITH  
BILL SALIN IS  
REQUIRED BEFORE  
A DECISION CAN  
BE MADE.

authorized to budget and appropriate funds from the general fund of the city, or town, to pay the expenses of or to reimburse city officials or town officials as the case may be for expenses incurred in promoting the best interest of the city or town. Such expenses may include, but not necessarily be limited to rental of meeting places, meals, decorations and expenses incurred in interviewing job applicants, in promoting industrial development and any other expenses of a civic or governmental nature deemed to be in the interest of the city or town: Provided That such appropriations shall not exceed the following for any calendar year:

1st class cities	\$5,000.00
2nd class cities	\$4,000.00
3rd class cities	\$3,000.00
4th class cities	\$2,000.00
5th class cities	\$1,000.00
towns	\$1,000.00.

[Acts 1967, ch. 122, § 1, p. 224.]

Title of Act. The title of Acts 1967, ch. 122, reads: "An act to authorize and provide procedure for the payment of or reimbursement of expenses incurred by city officials for certain purposes." In force July 26, 1967.

18-6-12-2 [48-525]. Prior approval.—No expenses shall be incurred under this act [18-6-12-1, 18-6-12-2] without prior authorization of the mayor or president of the board of town trustees and all claims for such expenses shall be approved by the mayor or president of the board of town trustees and allowed in the regular manner before payment. [Acts 1967, ch. 122, § 2, p. 224.]

## CHAPTER 13

### MEANS FOR COLLECTING PARKING FEES

SECTION.	SECTION.
18-6-13-1. Use of parking meters by cities and towns—Fees.	18-6-13-4. Appropriations from special fund.
18-6-13-2. Purchase or lease of parking meters.	18-6-13-5. Warrants for expenditures from special fund — Disposition of excess balance.
18-6-13-3. Special fund for deposit of funds collected from meters—Use of fund.	18-6-13-6. Saving clause and repeal.
	18-6-13-7. Effective date.

18-6-13-1 [48-519]. Use of parking meters by cities and towns—Fees.—Cities and towns may, by ordinance duly passed, regulate the standing or parking of vehicles upon or off any of the streets or highways within their respective cities and towns by the use of mechanical parking devices known as parking meters, and may provide for the collection of license fees from any person or persons standing or parking any vehicle upon or off any street or highway through the mechanical parking devices for the use of such mechanical parking devices. The fees for parking and use of the mechanical parking device by the vehicle on or off the street or highway shall be fixed by ordinance of the city council or the board of town trustees. [Acts 1965, ch. 208, § 1, p. 477.]

Title of Act. The title of Acts 1965, ch. 208, reads: "An act authorizing cities and towns to regulate by ordinance, the standing or parking of vehicles upon or off the streets or highways within their respective corporate limits by the use of

mechanical parking devices; providing for the collection of license fees through and for the use of such mechanical parking devices and for the disposition of such fees when collected; and repealing certain laws." In force January 1, 1966.

Cross-Reference. Mass transportation authority of greater Indianapolis is authorized to exercise the powers granted in 18-6-13-1—18-6-13-7, 19-5-3-3(a)(12) (Burns' § 48-2453(a)(12)).

18-6-13-2 [58-520]. Purchase or lease of parking meters.—Cities and towns may provide by ordinance, for the purchasing or leasing of the mechanical parking devices and may provide for the payment of the purchase price or rental fees therefor out of and solely from the license fees collected from the mechanical parking device. Public improvements authorized by this act [18-6-13-1—18-6-13-7] shall be contracted for in compliance with general laws governing the awarding of such contracts by cities and towns. [Acts 1965, ch. 208, § 2, p. 477.]

18-6-13-3 [48-521]. Special fund for deposit of funds collected from meters—Use of fund.—Subject to any valid contractual obligation or covenant entered into prior to the effective date [January 1, 1966] of this act, the several cities and towns shall provide by ordinance, that all license fees, when collected from such mechanical parking devices, shall be deposited with the treasurer or clerk-treasurer of their respective cities or towns to the credit of any such city or town, but in a special fund from which disbursements shall be made only under the orders of the board of public works or the entity performing the functions of such board for the city or the board of trustees for the town and disbursements shall be made for no other purpose than:

(a) Payment of the purchase price, rental fees and cost of installation of the mechanical parking devices;

(b) Payment of the cost of maintenance, operation, repair and all other incidental costs and expenses in the operation of the mechanical parking devices, including the cost of clerk and bookkeeping;

(c) Payment of the cost of traffic signal devices used in the city or town and also repair and maintenance of any of the public streets, including curbs and sidewalks, and highways where the mechanical parking devices are in use, and all streets connected therewith in the city or town; and

(d) For the purpose of acquiring by lease or purchase suitable land for off-street parking facilities; for the payment of the principal and interest on bonds issued to acquire parking facilities and devices; for the improvement and maintenance of land for parking purposes; and for the purchase, installation and maintenance of mechanical parking devices on the land: Provided, That the city or town may either operate or lease the off-street parking facilities.

SEE

19-5-11-3

SEC. 2

(e) Payment of the costs of purchase, maintenance, operation, repair, and all other incidental costs of providing approved school crossing protective facilities. [Acts 1965, ch. 208, § 3, p. 477.]

18-6-13-4 [48-522]. Appropriations from special fund. — In cities, all funds received from mechanical parking devices and deposited in the special fund shall be expended [expended] only upon specific appropriation made therefor by the common council in the same manner as other public funds are appropriated by the common council. The

board of public works or the entity performing the functions of such board shall prepare an itemized estimate of the funds necessary for the operation of mechanical parking devices for the ensuing year at the regular time of making and filing budget estimates for other departments of the city; such estimates shall follow the same procedure as other department estimates in order to present the same to the common council of the city. Any such appropriation made by the common council shall not be subject to review by either the county tax adjustment board or by the state board of tax commissioners, and the general laws with respect to appropriation of funds shall not be deemed to affect or modify the provisions of this act [18-6-13-1—18-6-13-7].

In towns, the board of trustees of any town may expend moneys of the special fund for the purposes enumerated in section 3 [18-6-13-3] of this act without additional appropriation thereof. [Acts 1965, ch. 208, § 4, p. 477.]

Compiler's Note. The bracketed word "expended" was inserted by the compiler.

18-6-13-5 [48-523]. Warrants for expenditures from special fund—Disposition of excess balance.—Warrants for expenditures authorized by this act [18-6-13-1—18-6-13-7] shall be prepared and processed in the manner provided by general law. All moneys remaining in the city or town treasury to the credit of the special fund at the end of the calendar year shall remain in the fund and shall not revert to the general funds of the city or town. Nothing herein contained shall prohibit the common council of any city or the board of trustees of any town from transferring, by ordinance, at the end of any calendar year, any balance in the special fund to the general funds of the city or town. [Acts 1965, ch. 208, § 5, p. 477.]

18-6-13-6. Saving clause and repeal.—The repeals effected by this section shall not be construed as an impairment or abrogation of rights or of obligations that have vested on behalf of or against cities or towns or parking authorities, but the same shall remain in full force and effect and enforceable by or against the city and town authorities responsible for carrying out the provisions of this act [18-6-13-1—18-6-13-7].

Obligations incurred, payments made, actions taken in good faith under color of laws hereby repealed are hereby validated and continued in force as necessary.

All laws and parts of laws in conflict herewith are hereby repealed and laws and parts of laws and their amendments are specifically repealed as follows: Acts 1945, ch. 236; Acts 1945, ch. 237; Acts 1949, ch. 23; Acts 1953, ch. 140. [Acts 1965, ch. 208, § 6, p. 477.]

18-6-13-7. Effective date.—This act [18-6-13-1—18-6-13-7] shall be in effect on and after January 1, 1966: Provided, nothing herein contained shall be construed as a prohibition against enactment of ordinances amendatory or otherwise by cities or towns for the purpose of effecting an orderly transfer of properties and functions as deemed necessary in order to anticipate and comply with the provisions of this act. [Acts 1965, ch. 208, § 7, p. 477.]



(a) The term "city" shall mean the respective cities to which this chapter is applicable;

(b) The term "board of public safety" shall mean and include the board of public safety, or the board of public works and safety, or other body as may be vested with the powers now vested in boards of public safety;

(c) The term "board of public works" or "board" shall mean and include the board of public works, or the board of public works and safety, or other body as may be vested with the powers now vested in boards of public works;

(d) The terms "off-street parking facility," "[ ] parking facility," or "facility" shall include land, or land and dwellings, or other structures or improvements above, at or below ground level, entrances, exits, equipment, fences and all other accessories or appurtenances necessary or desirable for safety and convenience in the off-street parking of vehicles, owned or leased by the city and used for the off-street parking of vehicles and may include foundations, supports, and other structures to be utilized in connection with a lease or air rights pursuant to section 11.1 [19-5-11-11.1];

(e) The terms "improve," "improvement," and terms of like import shall mean and include the clearing, grading, surfacing or paving, of ground, or the erection and equipment of structures thereon, or the remodeling, enlargement, extension, repair and betterment of such structures, or of any existing structures acquired;

(f) The term "property" shall include land, interests in land, easements, or air rights, either separately or any combination thereof, and fixtures and personal property of any nature, it being the intent hereof that a city may acquire air rights and construct off-street parking facility or facilities therein without acquiring the land beneath the air rights. [Acts 1955, ch. 190, § 3, p. 495; 1973, P. L. 205, § 1, p. 1051.]

Title of Amendatory Act. The title of Acts 1973, P. L. 205, reads: "An act to amend IC 1971, 19-5-11 concerning the acquisition, construction, financing, operation and leasing of off-street parking facilities by cities of the second, third or fourth class."

Amendment. The 1973 amendment substituted "chapter" for "act" in the first sentence of the section and in subdivision (a); in subdivision (b) deleted "as the case may be," following "public works and safety," and "such" preceding "other body"; in subdivision (c) deleted "as the case may be," following "public works and safety," and "such" preceding "other body"; in subdivision (d) substituted "exists" for "exist" fol-

lowing "entrances" and preceding "equipment" and added at the end of subdivision (d) "and may include foundations, supports, and other structures to be utilized in connection with a lease of air rights pursuant to section 11.1"; substituted a new subdivision (f) for one which read: "(f) The terms 'off-street parking project' or 'project' shall mean one or more off-street parking facilities the acquisition, construction and financing of which are authorized and undertaken as a whole. Each project shall be separately designated by an appropriate number, letter or name"; and changed the periods to semicolons at the end of subdivisions (a) through (e).

19-5-11-4 [48-8473]. Surveys and studies — Recommendations — Procedure for adoption or rejection.—From time to time the city shall make or cause to be made surveys and studies necessary to determine the need for off-street parking facilities, and their proper location, giving due consideration to the free and safe movement of traffic and the terminal points and concentration of such traffic, and the adequacy of existing privately-owned parking lots or structures. On the basis of such



Admn. Appr. \_\_\_\_\_

DIGEST SHEET

TITLE OF ORDINANCE

Appropriation  
SPECIAL ORDINANCES 77-02-15  
G-77-02-15

DEPARTMENT REQUESTING ORDINANCE \_\_\_\_\_ CONTROLLER \_\_\_\_\_

SYNOPSIS OF ORDINANCE As of January 1, 1977 - Fund #29, Dept. #890

PARKING METERS & LOTS and Fund #32, Dept. #891 PARKING GARAGE would be  
merged into one single Fund #32 - PARKING ADMINISTRATION. Each department  
will remain budgeted separately - but Fund #29 would be eliminated.

2/1/77

Current Balances      1977 Appropriation

Fund #29	\$ 54,835.47	\$152,862
Fund #32	\$ (61,528.06)	\$164,122

EFFECT OF PASSAGE Strictly for accounting purposes. No difference  
of monies or budget wise would occur.

EFFECT OF NON-PASSAGE \_\_\_\_\_

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) Thompson

DATE SUBMITTED: \_\_\_\_\_